

**FILED
UNDER
SEAL**

Prob12C
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Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Leonel Hernandez**

Case Number: **2:17CR00171**

Name of Sentencing Judicial Officer: **Honorable Richard F. Boulware**

Date of Original Sentence: **January 11, 2018**

Original Offense: **Felon in Possession of a Firearm**

Original Sentence: **51 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **January 15, 2021**

Name of Assigned Judicial Officer: **Honorable Richard F. Boulware**

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Do Not Unlawfully Possess Controlled Substance** - You must not unlawfully possess a controlled substance.

On March 14, 2022, approximately 7.5 gross grams of methamphetamine was discovered inside the vehicle Hernandez was operating. The methamphetamine was discovered inside a male sized zip up jacket pocket and inside a plastic zip lock bag.

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2. **Must Not Possess Firearms** - You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

On March 14, 2022, a Girsan Regard MC 9mm firearm bearing serial number T6368-20A06106 was observed in a purse in plain view, inside the trunk of the vehicle Hernandez was operating.

3. **No Alcohol** – You must not use or possess alcohol.

On March 14, 2022, five unopened glass Modelo beer bottles and one unopened can of Budweiser Light beer was discovered inside the vehicle Hernandez was operating.

4. **Do Not Unlawfully Use Controlled Substance** - You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.

A. Hernandez tested positive for methamphetamine on the following dates:

December 21, 2021
February 23, 2022
March 8, 2022
March 14, 2022

B. Hernandez failed to report for drug testing on the following dates:

December 23, 2021
January 22, 2022
January 24, 2022
February 15, 2022
February 17, 2022
March 5, 2022
March 11, 2022

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5. **Substance Abuse Treatment** – You must participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay the costs of the program.

A. On February 1, 2022, Hernandez failed to report for a substance abuse assessment at the Freedom House.

B. On February 22, 2022, Hernandez failed to report for substance abuse treatment.

6. **Report Police Contact Within 72 Hours** - If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

On December 6, 2021, Hernandez was pulled over by LVMPD after committing a traffic infraction; he was given a warning. His passenger, Summer Ramos, was found to be in possession of methamphetamine. As Summer agreed to sign up as an informant, both were released. Hernandez failed to report this law enforcement contact to the probation office.

7. **Work Full Time** - You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

Since commencing supervision, Hernandez has remained unemployed.

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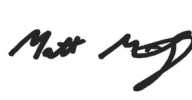
U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked


I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on **March 15, 2022**

 Digitally signed by
Matthew Martinez
Date: 2022.03.21
13:42:12 -07'00'

Matthew S. Martinez
United States Probation Officer

Approved:

 Digitally signed by Brian Blevins
Date: 2022.03.21 13:28:51 -07'00'

Brian Blevins
Supervisory United States Probation Officer

RE: Leonel Hernandez

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THE COURT ORDERS

- ☐ No Action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other:



RICHARD F. BOULWARE, II
United States District Judge

March 21, 2022

Date

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. LEONEL HERNANDEZ, 2:17CR00171**

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT
March 15, 2022**

By way of case history, January 11, 2018, Hernandez was sentenced to fifty-one (51) months custody followed by a three (3) year term of supervised release for committing the offense of Felon in Possession of a Firearm. On January 15, 2021, Hernandez commenced supervision.

Initially, Hernandez did well under supervision. He provided clean drug tests and successfully completed treatment through Bridge Counseling. He also participated in services through HOPE for Prisoners.

On September 17, 2021, the undersigned officer spoke with HOPE for Prisoners who reported Hernandez was discharged from their program as he failed to participate in the program. Hernandez was placed into their Moral Recognition Therapy (MRT) class and paid for HVAC schooling; however, Hernandez chose to stop participating.

On November 22, 2021, the undersigned officer received information of a potential domestic violence issue that occurred between Hernandez and his roommate, Summer Ramos. The information received was that Hernandez broke Summer's nose and that he had been threatening her. It was also reported Hernandez was under the influence of methamphetamine and in possession of firearms.

On November 23, 2021, probation received notice that LVMPD responded to Hernandez's residence for a domestic violence call. In contacting LVMPD, probation verified officers were dispatched to the residence. We received initial reports that Hernandez was detained on scene. With that, multiple U.S. Probation Officers responded. While in route it was relayed Hernandez was not present and that LVMPD had detained a different individual. Upon arrival at his residence, it was determined that probation would not enter the residence due to reports of potential firearms in the home, as well as it being unclear if Hernandez was still inside. Fortunately, we were able to convince Summer to exit the residence to ensure her safety. Numerous phone calls and text messages to contact Hernandez were unsuccessful. After a short period of time, LVMPD was able to ping Hernandez's phone to a location in Henderson, NV; all law enforcement entities disengaged and left the area.

On December 6, 2021, Hernandez was contacted by law enforcement after he committed a traffic infraction while driving. As Hernandez was with Summer, she was found to have methamphetamine in her purse. As a result, neither party was cited or arrested. Hernandez failed to report this law enforcement interaction within 72 hours as required.

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On December 21, 2021, Hernandez was instructed to report to the probation office. He filled out a monthly report for the month of December and checked "No" when asked if he had any law enforcement contact. Additionally, Hernandez submitted to a drug test which yielded a positive result for methamphetamine. Hernandez verbally admitted his use but denied any use on an admission form.

As a response, Hernandez was enrolled back into the Comply drug testing program and was referred back to treatment. On February 1, 2022, Hernandez was scheduled to report to the Freedom House to participate in a substance abuse assessment. Hernandez failed to report to the assessment as required. On February 2, 2022, Hernandez participated in the assessment and was recommended to participate in substance abuse treatment. On February 22, 2022, Hernandez failed to report for his treatment session.

On March 14, 2022, Hernandez was instructed to report to the Probation Office after missing a drug test on March 11, 2022. The undersigned officer established surveillance near the probation office in an attempt to observe what vehicle Hernandez arrived in. At approximately 1600, the undersigned officer observed Hernandez and Summer arrive in a dark gray Nissan Maxima, bearing Florida plate KCK S01. Hernandez and Summer exited the vehicle and walked toward the probation office. The undersigned officer approached the vehicle and observed an unopened Modelo beer bottle in plain view on the rear driver side seat.

Hernandez and Summer approached the entrance to the Foley Federal Building; however, Summer did not have any identification card and was denied entry. She remained just outside the main entrance and sat on the stairs. Hernandez entered the building but left his phone and car keys with Summer. Hernandez submitted a positive drug test for methamphetamine. It was determined a search of the vehicle was appropriate given Hernandez had submitted multiple positive drug tests for methamphetamine, had police contact where methamphetamine was discovered during a traffic stop and failed to report it to the probation office, was found to be operating a vehicle he does not report to the probation office, and alcohol being observed in plain view in the vehicle.

Summer was contacted outside of the building and subsequently provided the keys to the vehicle and Hernandez's cell phone to probation. Summer inquired if she would be able to get her purse from the vehicle. Initially, she was told she would be able to once we cleared it for weapons. Summer walked with the undersigned officer and Senior Officer VanWormer to the vehicle. Summer reported her purse was in the trunk of the vehicle. Upon opening the trunk, the smell of marijuana was abundant. Additionally, I observed a firearm, in a holster, in plain view, located in her purse. At that point, Summer was informed she would not be permitted to take her purse and the trunk was closed. Summer reported she was not a felon and that the firearm belonged to her. She was reminded that Hernandez is a felon and is prohibited from having access to any firearms.

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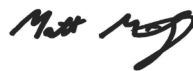
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Summer was given the option to stay while a search of the vehicle was conducted. She initially stayed but reported she needed to go to the restroom and left the area soon thereafter and never returned. During the course of the search, Senior VanWormer discovered a plastic zip lock bag containing a white crystalline substance inside of a male jacket located on the rear passenger seat. The substance later tested field positive for methamphetamine and weighed 7.5 grams. Additionally, numerous containers of alcohol were discovered in the vehicle along with multiple checks and a tax return with other's names. The firearm, methamphetamine, checks, and tax return were seized. The firearm was discovered to be a Girsan Regard MC 9mm handgun bearing serial number T6368-20A06106. Later in the investigation it was determined the firearm was reported as having been stolen on August 19, 2021, from a residence in the Las Vegas area.

Hernandez was questioned about the contents found inside the vehicle but denied any knowledge. Hernandez also refused to unlock his phone for inspection.

It is respectfully recommended a warrant be issued for Hernandez's arrest, and that he be brought before the Court for revocation proceedings.

Respectfully submitted,



Digitally signed by
Matthew Martinez
Date: 2022.03.21
13:42:44 -07'00'

Matthew S. Martinez
United States Probation Officer

Approved:



Digitally signed by Brian
Blevins
Date: 2022.03.21 13:29:22
-07'00'

Brian Blevins
Supervisory United States Probation Officer